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UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re Logicon, Inc.

Serial No. 76/138,081

Bruce B. Brunda of Stetina Brunda Garred & Bruckner for  
Logicon, Inc.

Khanh M. Le, Trademark Examining Attorney, Law Office 104  
(Michael Hamilton, Managing Attorney).

Before Seeherman, Bucher and Drost, Administrative  
Trademark Judges.

Opinion by Bucher, Administrative Trademark Judge:

Logicon, Inc. seeks registration of the mark **LogicHelp** in the stylized letters shown, on the Principal Register in connection with services recited, as amended, as "technical consulting and research in the fields of systems engineering, design engineering, website development, computer networks, computer software and computer hardware; assistance in the nature of troubleshooting of software applications, tracking and resolving systems failures, and remote diagnosis and treatment of communications and systems failures; providing for the remote monitoring of

system status and service requests via the global computer network," in International Class 42.<sup>1</sup>

This case is now before the Board on appeal from the final refusal to register based upon the Trademark Examining Attorney's finding that the mark is merely descriptive of the specified services under Section 2(e)(1) of the Lanham Act. Both applicant and the Trademark Examining Attorney filed briefs on this issue, but applicant but did not request an oral hearing before the Board.

Based upon careful consideration of the record in this application and the written arguments on appeal, we hold that the Trademark Examining Attorney has not met her burden of establishing that the mark is merely descriptive of the services recited in the application. Accordingly, we reverse the refusal to register.

It is well settled that a term is considered to be merely descriptive of goods or services, within the meaning of Section 2(e)(1) of the Trademark Act, if it forthwith conveys information concerning any significant ingredient, quality, characteristic, feature, function, purpose or use

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<sup>1</sup> Application Serial No. 76/138,081, was filed on September 29, 2000, based upon applicant's allegation of a *bona fide* intention to use the mark in commerce.

of the goods or services. See In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009 (Fed. Cir. 1987) and In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217-18 (CCPA 1978). It is not necessary that a term describe all of the properties or functions of the goods or services in order for it to be considered to be merely descriptive thereof; rather, it is sufficient if the term describes a significant attribute of them. Moreover, whether a term is merely descriptive is determined not in the abstract but in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with those goods or services and the possible significance that the term would have to the average purchaser of the goods or services because of the manner of its use. See In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979). Thus, "[w]hether consumers could guess what the product [or service] is from consideration of the mark alone is not the test." In re American Greetings Corp., 226 USPQ 365, 366 (TTAB 1985).

However, a mark is suggestive if, when the goods or services are encountered under the mark, a multistage reasoning process, or the utilization of imagination, thought or perception, is required in order to determine what attributes of the goods or services the mark

indicates. See In re Abcor Development Corp., *supra* at 218, and In re Mayer-Beaton Corp., 223 USPQ 1347, 1349 (TTAB 1984).

In support of her refusal to register under Section 2(e)(1) of the Act, the Trademark Examining Attorney submitted dictionary entries for the words "logic"<sup>2</sup> and "help,"<sup>3</sup> as well as excerpts of articles from various printed publications retrieved from the Lexis/Nexis database. These articles do reflect the fact that information technology consultants like applicant provide a variety of services designed to help their customers. Typically, as reflected in the Nexis stories, these end-users have distributed systems environments and they contract with a service provider like applicant to receive comprehensive help desk support solutions. Among the types of such help being provided, the articles reflect online assistance debugging problems in computer software codes (i.e., computer application logic). However, in none of these examples is the combined term sought to be registered, "logic help," ever used. Nonetheless, the

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<sup>2</sup> **Logic:** The sequence of operations performed by hardware or software. Hardware logic is made up of circuits that perform an operations (sic). Software logic (program logic) is the sequence of instructions in a program. Computer Desktop Encyclopedia.

<sup>3</sup> **Help:** [intransitive verb] To be of service; give assistance. The American Heritage Dictionary of the English Language (3<sup>rd</sup> ed. 1992).

Trademark Examining Attorney argues that this evidence supports her conclusion that "troubleshooting includes the debugging of hardware and software logic," and "[t]hus, the mark 'LogicHelp' is descriptive of the recited services." (Trademark Examining Attorney's appeal brief, p. 5).

By contrast, applicant argues that "due to the many definitions of the terms 'LOGIC' and 'HELP,'<sup>4</sup> as well as the possible definitions or interpretations of the term 'LogicHelp,' Applicant's mark is not merely descriptive." We agree with applicant. None of the various connotations of the word "logic" describes applicant's recited services. While it appears from the recital as if the particular service module to be offered by applicant under the "LogicHelp" mark will provide comprehensive help desk solutions, we cannot conclude that the composite term, "LogicHelp," will immediately convey information as to a significant characteristic or feature of the recited services. This combined term is somewhat terse and nebulous, creating a composite more distinctive than the sum of its parts.

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<sup>4</sup> Exhibits A and B, attached to applicant's response to the initial Office action, were copies taken from Merriam-Webster's Collegiate Dictionary (10<sup>th</sup> ed.) and contained nine entries for the word "logic" and nineteen for the word "help."

We have no way of knowing exactly what prospective customers will think of upon seeing applicant's "LogicHelp" mark used in connection with the recited services, but do conclude that some degree of thought or imagination will be required to reach any understanding about applicant's enumerated services.

Decision: The refusal under Section 2(e)(1) is reversed.